

Marketing and Regulatory Programs (M&RP)

Drug Free Workplace Program (DFWP)

FACT SHEET

What is the M&RP Drug Free Workplace Program?

The Marketing and Regulatory Programs (M&RP) Drug Free Workplace program for the Agriculture Marketing Service and the Animal and Plant Health Inspection Service was established to comply with the USDA Drug Free Workplace policy, in accordance with Executive Order (EO) 12564, Federal Drug-Free Workplace. The 1986 EO established the goal of a drug-free Federal workplace making it a condition of employment that all Federal employees refrain from using illegal drugs on or off-duty, and required all Federal agencies to implement a drug free workplace program.

The M&RP Drug Free Workplace Program (DFWP) consists of several drug testing components: (1) applicant testing; (2) random testing of employees in designated positions; (3) reasonable suspicion testing; (4) post-accident testing; (5) voluntary testing, and (6) follow-up.

What is M&RP policy on drug testing?

It is M&RP policy to provide a drug-free, healthful, and safe workplace. While on government premises and while conducting business-related activities off M&RP premises (including leased property and government vehicles), no employee may use, possess, distribute, sell, or be under the influence of alcohol or illegal drugs. The legal use of prescribed drugs is permitted on the job only if it does not impair an employee's ability to perform the essential functions of the job effectively and in a safe manner that does not endanger other individuals in the workplace.

Violations of this policy may lead to disciplinary action, up to and including termination of employment, and/or required participation in a substance abuse rehabilitation or treatment program. Such violations may also have legal consequences.

Does every employee have to be drug tested?

No, only employees who are in Designated Testing Positions will receive an individual notice informing them of the DFWP and its requirements. Basically, employees who are in sensitive or top secret positions; employee who have access or use weapons and /or explosives as a part of their job; employees who have access and/or use controlled substances in performance of their job; or possess a commercial drivers license as a requirement of their position, are in the DFWP.

When is drug testing conducted?

For certain positions, testing will be conducted on new applicants – persons applying for and accepting a position within a designated testing position (drug testing information is contained in the vacancy announcement). These individuals must have a drug test performed, with negative test results before they can report to duty. New applicants cannot be hired if they test positive and cannot apply for a position with the Agency for 6 months. Random drug testing is conducted annually on employees in designated job series.

What personnel actions are employees subject to for a positive drugs test or if the employee refuses to submit to drug testing?

Disciplinary action will be initiated against any employee found to use illegal drugs or refusing to submit to drug testing, with the exception of “safe harbor” admissions. However, employees are still subject to disciplinary actions regarding infractions of other Federal policies.

Disciplinary action will depend on the circumstances of each case, but will be consistent with the Executive Order and the Civil Service Reform Act of 1978. According to the EO, employees should be referred to EAP for counseling and/or referral for rehabilitation. Employees who are found to be using illegal drugs and are referred to the Employee’s Assistance Program (EAP), but do not obtain counseling or rehabilitation, and do not refrain from using illegal drugs can be removed from Federal service.

How is random testing conducted?

The USDA Drug Free Workplace Coordinator (DFWC) compiles a random list representing 10% of all USDA employees eligible for drug testing. Each Agency is then provided a specific list identifying employees from their respective Agency selected for the random drug test. Once the Agency Drug Testing Liaison (ADTL) receives the list, she will notify the respective supervisors in writing of the testing clinic and its location, for the selected employees.

If I am selected for random testing, do I receive administrative leave?

Yes, employees are authorized official time (Administrative Leave) after they are notified by their supervisor that they were selected for random drug testing. Supervisors/managers may not give employees more than 2 hours notice.

I think an employee is using alcohol and/or drugs on the job. Can they be tested?

Yes, only after working with Employee Relations Specialist (ERS) to ensure that the agency and the employee’s rights are being protected. The supervisor should complete a Reasonable Suspicion Checklist, found in the M&RP Drug Free Workplace Handbook, with the assistance of ERS. After a determination has been found that there is reasonable suspicion, the M&RP Personnel Officer has to approve the reasonable suspicion drug test. Once this is done, the ADTL will set up the reasonable suspicion drug test.

Are drug testing results confidential?

All test results and EAP counseling are protected under the provisions of the Privacy Act. This means that any samples, records and counseling are considered confidential information. However, the contract Medical Review Officer informs the USDA DFWC of all drug tests results. For positive random drug test results a copy of the findings are forwarded to the ADTL who then contacts ERS to initiate disciplinary action.

Where can I get more information?

If you need more information about the Drug Free Workplace program you can download a copy of the M&RP Drug Free Workplace Handbook at <http://www.aphis.usda.gov/library/>, or you can call M&RP Printing and Distribution at (301) 734-5524 to request a copy of the Handbook.

Who do I call if I experience any problems?

Call Denise Coleman, the M&RP ADTL, on (301) 734-8350.